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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 824,481	04 02 2001	Tomoyuki Seki	5077-000028	9071

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EXAMINER

LEVI, DAMEON E

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 08 21 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,481

Examiner

Dameon E Levi

Applicant(s)

SEKI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04/02/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 02 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

DETAILED ACTION

Drawings

Figure 8a,8b,8c,9a,9b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Additionally, there is no reference anywhere in the instant specification of the relevance of Fig 9c. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,5,6,7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **Regarding claims 2 and 7**, it is unclear to the examiner what is meant by, "provided in a portion on the luminous bulb side than a center of the sealing portion". **Regarding claims 5 and 6**, it is unclear to the examiner what is defined by, "thickness direction".

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use, on sale, or otherwise available to the public prior to the date of application for patent in the United States;

et al US Patent 5598063.

Regarding claim 1, Matthews et al is known in the art and is hereby incorporated by reference.

- a luminous bulb in which a luminous material is enclosed and a pair of electrodes are opposed in the luminous bulb; and a pair of sealing portions for sealing a pair of metal foils electrically connected to the pair of electrodes, respectively (for example, see element 12, 20,22, 16,18, Figs 1,2)
- wherein at least one of the pair of sealing portions is provided with at least one constricted portion whose length in a thickness direction of the metal foil in the sealing portion is smaller than that of other portions in the sealing portion (for example, see constrictions adjacent elements 25,28, Fig 2).

Regarding claim 2, as best understood by the examiner, Matthews et al discloses wherein at least one of the constricted portions is provided in a portion on the luminous bulb side than a center of the sealing portion (for example, see constrictions adjacent elements 25,28, Fig 2).

Regarding claim 3, Matthews et al discloses wherein a plurality of constricted portions are formed on the sealing portion (for example, see constrictions adjacent elements 25,28, Fig 2).

Regarding claim 4, Matthews et al discloses wherein each of the pair of metal foils includes an external lead on a side opposite to a side electrically connected to a corresponding electrode of the pair of electrodes, and at least one of the constricted portions is formed in an area between an end of the electrode and an end of the

Claims 5-9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mori et al US Patent 4749905

Regarding claim 5, as best understood by the examiner, Mori et al discloses a discharge lamp comprising:

- a luminous bulb in which a luminous material is enclosed and a pair of electrodes are opposed in the luminous bulb; and a pair of sealing portions for sealing a pair of metal foils electrically connected to the pair of electrodes, respectively (for example, see elements 2,8,4,3a,3b, Fig 1)
- wherein at least one of the pair of sealing portions is provided with at least one oblate cross-section portion in which a length in a direction perpendicular to a thickness direction of the metal foil in the sealing portion is larger than that in the thickness direction in the sealing portion (for example, see Figs 2,3, see Abstract, lines 7-16, also see column 2, lines 25-35)

Regarding claim 6, as best understood by the examiner, Mori et al discloses wherein a cross-sectional shape of the oblate cross-section portion is a substantially ellipse having a minor axis in the thickness direction of the metal foil and a major axis in a direction perpendicular to the thickness direction (for example, see Fig 3)

Regarding claim 7, as best understood by the examiner, Mori et al discloses wherein the oblate cross-section portion is provided in a portion on the luminous bulb side than a

Regarding claim 8, as best understood by the examiner, Mori et al discloses wherein the oblate cross-section portion is formed in the entire sealing portion (for example, see Figs 1,2)

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Regarding claim 9, Mori et al discloses wherein each of the pair of sealing portions has a shrink seal structure (for example, see Figs 1,2)

Regarding claim 11, Mori et al discloses wherein each of the pair of metal foils is attached tightly to a glass portion extended from the luminous bulb, and each of the pair of metal foils is a molybdenum foil (for example, see elements 6a,6c, Fig 1, see column 1, lines 20-23)

Regarding claim 12, Mori et al discloses wherein the luminous material comprises at least mercury (for example, see column 1, lines 10-12)

Regarding claim 13, the use of a reflecting mirror for reflecting light emitted from discharge lamps is conventional in the art in order to spread and concentrate the light in a desired area (see Yasuhiro et al JP 2000223023, Fig 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al US Patent 4749905 in view of Sugimoto et al US Patent 6208070

ends of the pair of sealing portions on a side opposite to the luminous bulb side are tapered

Sugimoto et al discloses a discharge lamp wherein ends of the pair of sealing portions on a side opposite to the luminous bulb side are tapered (for example, see elements 18, Figs 1, 2, element 18, Fig 8)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have tapered the ends of the sealing portions as taught by Sugimoto et al in the discharge lamp as taught by Mori et al for the purpose of ensuring a higher reliability of air tightness within the sealing portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E Levi whose telephone number is (703) 305-0426. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0058.

Dameon E Levi
Examiner
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